



#4

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	de Groot, et al.	Examiner:	Unassigned
Serial No:	10/049,473	Group Art Unit:	Unassigned
Confirmation No:	4102	Docket:	294-120 PCT/US
Filed:	February 12, 2002	Dated:	July 23, 2002
For:	PNEUMOCOCCAL VACCINES		

Commissioner for Patents  
Washington, DC 20231

I hereby certify this correspondence is being deposited  
with the United States Postal Service as first class mail,  
postpaid in an envelope, addressed to:  
Commissioner for Patents, Washington, DC 20231

on July 23, 2002  
Signature: Julie L. Watts

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

In response to a Notice of Missing Requirements Under 35 U.S.C. §371 in the United States Designated Elected Office (DO/EO/US), mailed May 29, 2002, Applicant enclose herewith the following:

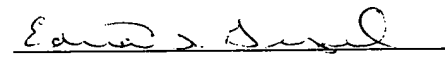
1. Combined Declaration and Power of Attorney executed by the inventor;
2. Copy of Notification of Missing Requirements under 35 U.S.C. 371; and
3. A check in the amount of \$130.00 to cover the surcharge for providing the oath or declaration later than thirty (30) months (37 C.F.R. 1.492(e)).
4. Transmittal of Sequence Listing; paper copy of "Sequence Listing"; and computer-readable form copy of the "Sequence Listing".
5. Supplemental Preliminary Amendment canceling all of the claims, including the additional claims for which fees are due. Therefore, no additional claims fees are due. New claims have been added for which it is believed no additional fee is required.

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Rec'd PCT/TO 30 JUL 2002 Bnt

Applicants are not enclosing the additional claim fee of \$352.00 since a Supplemental Preliminary Amendment is being filed concurrently herewith canceling all claims, including the additional claims for which fees are due. Therefore, no additional claims fees are due. New claims have been added for which it is believed that no additional fees are required.

If any additional fees are due or an overpayment has been made, please charge our Deposit Account No. 08-2461 or credit our Deposit Account for such sum. A duplicate copy of this sheet is enclosed for that purpose.

Respectfully submitted,



Edna I. Gergel, Ph.D.  
Registration No: 50,819  
Agent for Applicant

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
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EIG:jlw

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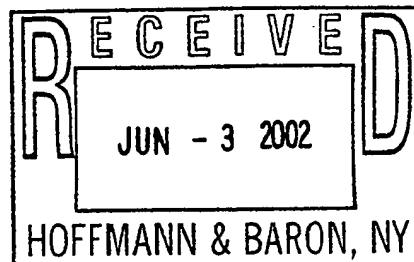
UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,473	Ronald De Groot	294-120 PCT/US

Ronald J Baron  
 Hoffmann & Baron  
 6900 Jericho Turnpike  
 Syosset, NY 11791



INTERNATIONAL APPLICATION NO.	
PCT/NL00/00569	
I.A. FILING DATE	PRIORITY DATE
08/14/2000	08/13/1999

CONFIRMATION NO. 4102  
 371 FORMALITIES LETTER



\*OC000000008182923\*

Date Mailed: 05/29/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- Additional claim fees of **\$352** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$482** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$352**
  - **\$72** for **5** total claims over 20.
  - **\$280** for multiple dependant claims surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,473	PCT/NL00/00569	294-120 PCT/US

FORM PCT/DO/EO/905 (371 Formalities Notice)



DT17 Rec'd PCT/PTO 30 JUL 2002

Attorney Docket No. 294-120 PCT/US

In re Application of: de Groot, et al  
Serial No.: 10/049,473  
Confirmation No.: 4102  
Filed: February 12, 2002  
For: PNEUMOCOCCAL VACCINES

COMMISSIONER FOR PATENTS  
Washington, DC 20231

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Commissioner for Patents, Washington, D.C. 20231  
on July 23, 2002

Signature: Julie L. Watts

Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 19	MINUS	** 21	= 0
INDEP.	* 12	MINUS	*** 12	= 0

SMALL ENTITY	
RATE	ADDL. FEE
x 9=	\$
x 42=	\$
x 140=	\$
TOTAL	\$ 0.00

OR

OTHER THAN A SMALL ENTITY	
RATE	ADDL. FEE
x 18=	\$
x 84=	\$0.00
x 280=	\$
TOTAL	\$ 0.00

OR

☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS

- ☐ Please charge my Deposit Account No. 08-2461 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.
- ☐ A check in the amount of \$\_\_\_\_\_ is attached.
- ☒ The Commissioner is hereby authorized to charge any fees or additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2461. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 C.F.R. 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791  
(516) 822-3550  
EIG:jlw

Edna I. Gergel  
Edna I. Gergel, Ph.D.  
Registration No. 50,819



I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s)	
Serial Number	Day/Month/Year Filing Date
Serial Number	Day/Month/Year Filing Date
Serial Number	Day/Month/Year Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or under 35 U.S.C. §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Prior U.S. or International Application(s)		
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.